

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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THOMAS GESUALDI, LOUIS BISIGNANO,  
ANTHONY D'AQUILA, MICHAEL  
O'TOOLE, BENNY UMBRA, FRANK H.  
FINKEL, JOSEPH A. FERRARA, SR., MARC  
HERBST, DENISE RICHARDSON, and  
THOMAS CORBETT as Trustees and  
Fiduciaries of the Local 282 Welfare Trust Fund,  
the Local 282 Pension Trust Fund, the Local 282  
Annuity Trust Fund, the Local 282 Job Training  
Trust Fund, and the Local 282 Vacation and Sick  
Leave Trust Fund,

Plaintiffs,

-against-

SEACOAST PETROLEUM PRODUCTS, INC.,

Defendant.

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**APPEARANCES:**

**Trivella & Forte LLP**

*Attorneys for the Plaintiffs*

1311 Mamaroneck Avenue

Suite 170

White Plains, NY 10605

By: Jael Dumornay, Esq.  
James Robert Grisi, Esq., Of Counsel

**NO APPEARANCE:**

*The Defendant*

**SPATT, District Judge.**

On March 26, 2014, the Plaintiffs the Trustees and Fiduciaries of the Local 282 Welfare Trust Fund, Pension Trust Fund, Annuity Trust Fund, Job Training Trust Fund, and Vacation and Sick Leave Trust Fund (the "Funds") commenced this action to collect unpaid liabilities and contributions determined to be due and owing to the Funds as a result of two audits of the

**ADOPTION ORDER**  
14-cv-1938 (ADS)(SIL)

Defendant Seacoast Petroleum Products, Inc. (the “Defendant”) conducted by the Funds.

On June 25, 2014, the Clerk of the Court noted the default of the Defendant. On October 3, 2014, the Funds moved for a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2). On October 6, 2014, this Court referred the matter to United States Magistrate Judge Steven I. Locke for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorneys’ fees and costs.

On March 3, 2015, Judge Locke issued a 39-page Report recommending that the motion for a default judgment be granted and that damages be awarded as follows:

Unpaid Contributions		\$41,347.41
Interest on Unpaid Contributions		\$38,856.51
Calculated Through 10/03/14		
Liquidated Damages on Unpaid Contributions		\$38,856.51
Calculated Through 10/03/14		
Audit Fees		\$2,642.00
Outstanding Withdrawal Liability		\$19,711.00
Interest on Outstanding Withdrawal Liability		\$4,160.16
Calculated Through		
Liquidated Damages on Withdrawal Liability		\$4,160.16
Calculated Through		
Attorneys’ Fees		\$6,577.65
Costs	+	\$587.34
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		<b>\$156,898.74</b>
Daily Interest on Unpaid Contributions From 10/03/14	+	\$20.39/day
Through Entry of Judgment		
Continued Accrual of Liquidated Damages on Unpaid	+	\$20.39/day
Contributions From 10/03/14 Through Entry of Judgment		
Daily Interest on Outstanding Withdrawal Liability From	+	\$9.72/day
10/03/14 Through Entry of Judgment		
Continued Accrual of Liquidated Damages on		
Outstanding Withdrawal Liability From 10/03/14	+	\$9.72/day
Through Entry of Judgment		

More than fourteen days have elapsed since service of the Report and Recommendation on the Defendant, which has failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the March 3, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the March 3, 2015 Report and Recommendation is adopted in its entirety, and the Fund's motion for a default judgment is granted. The Clerk of the Court is respectfully directed to enter judgment in favor of the Funds as follows and to close the case:

Unpaid Contributions		\$41,347.41
Interest on Unpaid Contributions		\$38,856.51
Calculated Through 10/03/14		
Liquidated Damages on Unpaid Contributions		\$38,856.51
Calculated Through 10/03/14		
Audit Fees		\$2,642.00
Outstanding Withdrawal Liability		\$19,711.00
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Daily Interest on Outstanding Withdrawal Liability From	+	\$9.72/day
10/03/14 Through Entry of Judgment		
Continued Accrual of Liquidated Damages on		
Outstanding Withdrawal Liability From 10/03/14	+	\$9.72/day
Through Entry of Judgment		

**SO ORDERED.**

Dated: Central Islip, New York  
March 28, 2015

Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge